

15 OCT 1981

**DOCUMENTS RELATED TO THE
INTELLIGENCE IDENTITIES PROTECTION ACT**

**Note: References to S. 391 are to the Bill as it read prior
to its markup and amendment by the Senate Judiciary
Committee**

Central Intelligence Agency



Washington, D.C. 20505

30 September 1981

Editor
The New York Times
229 West 43rd Street
New York, New York 10036

Dear Sir:

Your editorial of 28 September 1981, "A Dumb Defense of Intelligence," incorrectly represents the position I have taken on legislation to protect the identities of covert agents. I have consistently supported and advocated the Senate language in S. 391 and H.R. 4, as amended and passed by the House on 23 September, as more certain to be effective in ending the pernicious unauthorized disclosures which are jeopardizing our nation's intelligence efforts and threatening those engaged or assisting in difficult and dangerous assignments abroad.

Opponents of this crucial legislation, in an effort to delay and obstruct final enactment, are quick to allege its constitutional infirmity. However, the legislation in its current form has had the bipartisan support of the Carter and now the Reagan White House and Justice Departments. We are confident that the legislation will pass constitutional muster. There is no doubt that disclosures of agent identities constitute a clear danger to this nation's first line of defense, its intelligence apparatus. Recently, the U.S. Supreme Court in Haig v. Agee stated that such "conduct ... presents a serious danger to American officials abroad and serious danger to the national security" and that these disclosures "... clearly are not protected by the Constitution."

We can no longer afford delay. Every day means more unauthorized disclosures, more operations compromised, more lives endangered, more loss of confidence in our ability to keep secrets on the part of foreign intelligence services willing to cooperate with us. The Senate should delay no longer.

Sincerely,

SIGNED

William J. Casey
Director of Central Intelligence

THE WHITE HOUSE

WASHINGTON

September 14, 1981

Dear Senator Thurmond:

It is my understanding that the Senate Judiciary Committee will consider S.391, The Intelligence Identities Protection Act of 1981, on Tuesday, September 15.

Passage of legislation to provide criminal sanctions against those who make it their business to identify and expose our intelligence officers is a key element of my program to rebuild and strengthen US intelligence capabilities. Nothing has been more damaging to our intelligence effort than the pernicious, unauthorized disclosures of the names of those officers whom we send on dangerous and difficult assignments abroad.

Attorney General Smith advises that the Senate version of this legislation, S.391, is legally sound, both from a prosecution perspective and in the protection it provides for constitutional rights of innocent Americans. Any change to the Senate version would have the effect of altering this carefully-crafted balance.

I cannot overemphasize the importance of this legislation. I hope I can have your support in reporting out S.391 without amendment.

Sincerely,

Ronald Reagan

The Honorable Strom Thurmond
United States Senate
Washington, D.C. 20510



Washington, D.C. 20505

15 July 1981

Honorable Edward P. Boland
Chairman
Permanent Select Committee
on Intelligence
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I have had my General Counsel look carefully at the proposed amendment to H.R. 4 which you sent to us on 24 June. As you will note from the enclosed memorandum, he believes that the proposed amendment may be deficient in certain respects and that it could undermine the effectiveness of the legislation. He has set forth an alternative which would be acceptable under certain conditions. We would be prepared to support this alternative, which I understand is already familiar to members and staff of your Committee, if its adoption would ensure House floor consideration of the Identities Bill directly following the reporting of H.R. 4 from your Committee. I must emphasize, however, that the Administration's preference for S. 391, the Senate version of the Identities Bill, remains unchanged.

I hope that you have had the opportunity to read the Supreme Court's opinion in Haig v. Agee, which was handed down on 29 June. This opinion goes a long way toward dispelling any residual concerns about the constitutionality of the Identities legislation. I believe we must avoid any further delay which would jeopardize our mutual goal of securing enactment of the Identities Bill in this session of Congress. I hope, therefore, that the Permanent Select Committee on Intelligence will move forward expeditiously in reporting H.R. 4 favorably.

Sincerely,

William J. Casey
Director of Central Intelligence

Enclosure

cc: Honorable Romano L. Mazzoli w/encl.
Honorable J. Kenneth Robinson w/encl.



OFFICE OF THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

July 29, 1980

Honorable Birch Bayh
Chairman, Committee on Intelligence
United States Senate
Washington, D.C. 20510

Dear Chairman Bayh:

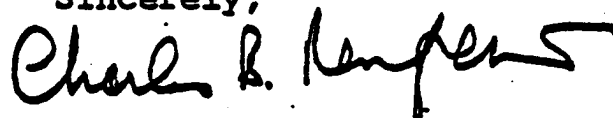
I am writing to reiterate the position of the Department of Justice concerning whether and in what form Section 501(c) of the Intelligence Identities Protection Act now before the Committee should include an element relating to the state of mind of persons, other than present or former government employees, who identify clandestine intelligence personnel or agents. It is my understanding the provision to be considered by the Committee now consists of essentially the following language:

(c) Whoever, in the course of a pattern of activities intended to identify and expose covert agents, discloses any information that identifies an individual engaged or assisting in the foreign intelligence activities of the United States, knowing that the information disclosed so identifies the individual and that the United States has taken affirmative measures to conceal the individual's classified intelligence relationship to the United States'....

This formulation substantially alleviates the constitutional and practical concerns expressed by the Justice Department with regard to earlier versions of this bill that included a requirement that prohibited disclosures be made with a specific "intent to impair or impede" U.S. intelligence activities.

Because of the significance of this matter, however, it has been our view from the beginning that such legislation as is enacted must be fair, effective and enforceable. Our position has been and remains that the absence of an intent element in this legislation will accomplish this goal.

Sincerely,

A handwritten signature in dark ink, appearing to read "Charles B. Renfrew", with a stylized flourish at the end.

Charles B. Renfrew
Deputy Attorney General